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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,899	10/12/2004	Huajie Chen	FIS920040107US1	5898
29154	7590	04/19/2007	EXAMINER	
FREDERICK W. GIBB, III Gibb & Rahman, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			PHAM, LONG	
			ART UNIT	PAPER NUMBER
			2814	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/19/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

T14

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/711,899	CHEN ET AL.	
	Examiner Long Pham	Art Unit 2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2007.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 8-14 and 35-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 8-14 and 35-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### Rejections and/or objections as previously applied

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hite et al. (US pat 4,863,878).

With respect to claim 8, Hite et al. teach a field effect transistor comprising (see figs. 1A-1D and 2A-2D and associated text):

A silicon substrate 1, wherein the top surface of said silicon substrate has an increased oxygen content when compared to other portions of said silicon substrate, and wherein said oxygen content of said top surface of said silicon substrate is below an amount that would prevent epitaxial growth (see epitaxial layer 7 or 27) is able to grow thereon;

A silicon halo layer 5 on said top surface of said silicon substrate;

A silicon source/drain layer 7 on said silicon halo layer; and

A gate stack 13 above said silicon source/drain layer.

Further with respect to claim 1, how the silicon halo layer and silicon source/drain layer are formed, that is epitaxial growth, has not been given patentable weight since claim is directed to a device.

With respect to claim 9, Hite et al. further teach the source/drain dopants are substantially limited to the silicon source/drain layer. See figs. 1A-1D and 2A-2D and associated text.

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With respect to claim 10, since Hite et al. teach the claimed structure, the increased oxygen content substantially would inherently limit dopants within the silicon layer **and the silicon source/drain layer** from moving into said silicon substrate.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al. (US pat 4,863,878) as applied to claims 8-10 above, and further in view of Thompson et al. (US pat 6,020,244) and Noguchi et al. (US pub 2004/0135210).

With respect to claim 12, Hite et al. fail to teach doping the silicon source/drain layer with halo dopants that are different from source/drain dopants.

Thompson et al. teach doping halo dopants that are different from source/drain dopants into a silicon source/drain layer to achieve reduction in leakage current and improvement in punchthrough characteristics. See fig. 1 and associated text and col. 4, lines 35-45.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Thompson et al. into the device of Hite et al. to attain the above benefit.

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With respect to claim 14, Hite et al. further teach the top surface of the silicon substrate is essentially damaged (see claims) but fail to teach removing native oxide from the silicon substrate.

However, the removal of unwanted native oxide from a surface of silicon substrate is well-known.

With respect to claims 11 and 13, Hite et al. fail to teach a column portion or trench having isolation extending from below the gate and through the silicon halo layer and silicon source/drain layers.

Noguchi et al. forming a column portion or trench having isolation 51 extending from below a gate 73 and through a silicon source/drain layer 24 a silicon halo layer 26 to prevent unwanted interaction between devices. See fig. 5 and associated text.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Noguchi et al. into the device of Hite et al. to attain the above benefit.

### **New grounds of rejection**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 37, 38, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hite et al. (US pat 4,863,878).

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With respect to claim 35, Hite et al. teach a field effect transistor comprising (see figs. 1A-1D and 2A-2D and associated text):

A silicon substrate 1;

wherein the top surface of said silicon substrate has an increased oxygen content 3 when compared to other portions of said silicon substrate;

wherein said oxygen content of said top surface of said silicon substrate is below an amount that would prevent epitaxial growth (see epitaxial layer 7 or 27 is able to grow thereon);

A silicon layer 9 directly on said top surface of the silicon substrate 1 having oxygen content 3 the silicon layer comprising dopants (source/drain);

Wherein said dopants inherently are substantially limited to said silicon layer by the increased oxygen content 3 of said top surface of said silicon substrate.

With respect to claim 37, Hite et al. further teach the increased oxygen content would inherently limit said dopants within the silicon layer from moving into the silicon substrate.

With respect to claim 38, Hite et al. further teach the silicon is doped with source/drain dopants. Further, how the silicon layer is formed has not been given patentable weight since claim is directed to a device.

With respect to claim 39, Hite et al. further teach source/drain regions are formed in the silicon layer.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 36, 40, and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al. (US pat 4,863,878) as applied to claims 35, 37, 38, and 39 above, and further in view of Thompson et al. (US pat 6,020,244) and Noguchi et al. (US pub 2004/0135210).

With respect to claim 36, Hite et al. fail to teach doping the silicon layer with halo dopants that are different from source/drain dopants.

Thompson et al. teach doping halo dopants that are different from source/drain dopants into a silicon source/drain layer to achieve reduction in leakage current and improvement in punchthrough characteristics. See fig. 1 and associated text and col. 4, lines 35-45.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Thompson et al. into the device of Hite et al. to attain the above benefit.

With respect to claim 40, Hite et al. fail to teach forming isolation regions in the substrate or silicon source/drain layer.

However, the formation of isolation regions a silicon substrate and a silicon layer for the purpose of electrically isolation is well-known in semiconductor art.

With respect to claim 41, Hite et al. further teach the top surface of the silicon substrate is essentially damaged (see claims) but fail to teach removing native oxide from the silicon substrate.

However, the removal of unwanted native oxide from a surface of silicon substrate is well-known.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42, 43, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Hite et al. (US pat 4,863,878).

With respect to claim 42, Hite et al. teach a field effect transistor comprising (see figs. 1A-1D and 2A-2D and associated text):

A silicon substrate 1;

wherein the top surface of said silicon substrate has an increased oxygen content 3 when compared to other portions of said silicon substrate;

wherein said oxygen content of said top surface of said silicon substrate is below an amount that would prevent epitaxial growth (see epitaxial layer 7 or 27 is able to grow thereon);

A silicon source/drain layer 9 directly on said top surface of the silicon substrate 1 having oxygen content 3 the silicon layer comprising source/drain dopants;

Wherein said source/drain dopants inherently are substantially limited to said silicon layer by the increased oxygen content 3 of said top surface of said silicon substrate.

With respect to claim 43, Hite et al. further teach the increased oxygen content would inherently limit said source/drain dopants within the silicon layer from moving into the silicon substrate.

With respect to claim 46, Hite et al. further teach the silicon is doped with source/drain dopants. Further, how the silicon layer is formed has not been given patentable weight since claim is directed to a device.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al. (US pat 4,863,878) as applied to claims 42, 43, and 46 above, and further in view of Noguchi et al. (US pub 2004/0135210).

With respect to claim 44, Hite et al. fail to teach a column portion or trench having isolation extending from below the gate and through the silicon halo layer and silicon source/drain layers.

Noguchi et al. forming a column portion or trench having isolation 51 extending from below a gate 73 and through a silicon source/drain layer 24 a silicon halo layer 26 to prevent unwanted interaction between devices. See fig. 5 and associated text.

It would have been obvious to one of ordinary skill in the art of making semiconductor devices to incorporate the teaching of Noguchi et al. into the device of Hite et al. to attain the above benefit.

With respect to claim 47, Hite et al. fail to teach forming isolation regions in the substrate or silicon source/drain layer.

However, the formation of isolation regions a silicon substrate and a silicon layer for the purpose of electrically isolation is well-known in semiconductor art.

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With respect to claim 45, Hite et al. further teach the top surface of the silicon substrate is essentially damaged (see claims) but fail to teach removing native oxide from the silicon substrate.

However, the removal of unwanted native oxide from a surface of silicon substrate is well-known.

***Response to Arguments***

Applicant's arguments with respect to claims 8-14 and 35-47 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's arguments in the paragraph on pages 8, 9, and 10 of the amendment dated 01/10/07, it is submitted that layer 3 of fig. 1A of Hite constitutes an increased oxygen content at the top surface of the substrate since other regions of the substrate is not doped with oxygen.

In response to the applicant's arguments in the paragraph bridging pages 10 and 11 the amendment dated 01/10/07, it is submitted that there is no structural difference between a halo silicon layer of claim 8 and the silicon layer 5 of Hite et al.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

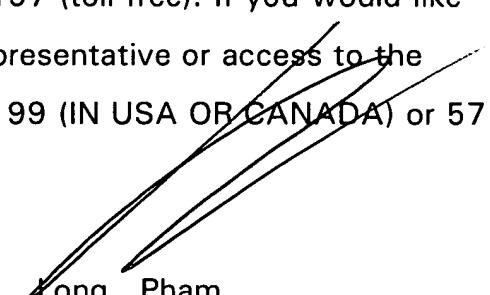
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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 571-272-1714. The examiner can normally be reached on Mon-Frid, 10am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Long Pham

Primary Examiner

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LP

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